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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,279	02/13/2001	Nitin Nayak	YOR9-2000-0574US1	9443

30743 7590 03/16/2007  
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER
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PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/781,279		NAYAK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	JAGDISH PATEL		3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This communication is in response to amendment filed 11/10/06.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/10/06 has been entered.

***Response to Amendment***

3. Claims 1 and 4 have been amended. Claims 1,4 and 6-11 are currently pending.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejections (see below). In view of the RCE filed with the amended claims, this is a non-final action.

***Claim Rejections - 35 USC § 112***

5. Claims 1,4 and 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following analysis is presented with respect to independent claim 1 as exemplary analysis. Other independent claim 4 recites an apparatus (system), which encompass the process of method claim 1. Furthermore, all dependent claims also contain the deficiencies of the respective claims 1 and 4. Therefore, the following analysis is applicable to all pending claims.

Claim 1 is indefinite because it recites process step whose role in the claimed invention is not specified.

The claim recites the step of “identifying vendors whose capabilities do not match with the demanded capabilities” then “dividing the request fro proposal into a plurality of sub-requests to be responded to identified vendors whose capabilities do not match with the demanded capabilities..”. These limitations are ambiguous and not consistent with the subject matter of the claim because there is no reference to the identified vendors whose capabilities do not match with the demanded capabilities in the subsequent claim limitations.

The claim recites limitations, which appear to be redundant, such redundancy leading to ambiguity of the scope of the claim. The claim recites identifying vendors whose capabilities match with the demanded capabilities at L 9-11 of claim 1. Subsequently the claim recites identifying vendors having vendor capabilities corresponding to the plurality of sub-requests (note that the plurality of sub-requests are only to be responded to by the vendors whose

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capabilities do not match with the demanded capabilities (L 16-20)). Therefore, the identifying steps at L 9-13 and those at L 21-25 are overlapping or redundant.

The claim is indefinite because it recites disjoint set of limitations that do not functionally correlate (translating, accessing the database, identifying vendors recites at lines 6-11 not relating to the identifying steps at L 21-25 leading to the limitations recited on p. 3 L 26-35).

Lack of antecedent basis

Claim 1 recites the limitation of identifying vendors at line 9-11, lines 12-13 and lines at line 25 refers to limitation “the identified vendors”. Since there are multiple occurrences of the “the identified vendors” (L 9, 12, 21), there no definitive reference to this limitation.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,4 and 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wares (US 2001/0044768) (Wares).

Per claim 1 and 4 Wares teaches a computer implemented method and system for formation of dynamic alliances between vendors with complementary capabilities to jointly pursue specific market opportunities (see Figure 1A-B and 2). As per claims 1 and 9-11 Wares teaches a database storing registered vendor capabilities (see Fig. 1A Module 14, see description

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at p. 3 [0039]), receiving a request for proposal from a customer (see [0059] request for proposal), translating the request for proposal into demanded capabilities (see [0035] preparing initial bid package), dividing the request for proposal into a plurality of sub-request ([0035] “the bid package ..identify specific trades and material standards.”).

Wares further discloses dividing the request for proposal into a plurality of requests .. ([0035] “the bid package ..identify specific trades and material standards.”), identifying vendors having vendor capabilities corresponding to the plurality of sub-requests ..([0039], qualifying firms to participate in the bidding process, comparing is inherent since the bidding is specific to a given project, which requires certain predefined capabilities), identifying coalitions of vendors which collectively meet demanded capabilities (coalitions of vendors are groups of subcontractors, suppliers and wholesalers and (building product manufacturers shown in Figure 4, see also [0060]), creating a request for proposal tree having coalition alternatives at each level (see Fig. 2 and [0059] – [0060]), selecting a preferred coalition from the coalition alternates at each level ..for proposal tree to respond to the request (see [0060]), generating a proposal corresponding to the request by aggregating coalitions at all levels in the request for proposal ..in combination with plurality of sets vendors to respond to the request for proposal (see [0059], request for proposal).

Claims 6 and 9: establishing ..coalition (refer to para [0052]).

Claims 7 and 10: the step of selecting selects ..vendors not in the database (refer to para [0064] and [0065]).

Claims 8 and 11: the step of providing common services to members of a coalition (see [102]).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jagdish N. Patel

(Primary Examiner, AU 3693)

3/12/07